

REMARKS

Claim 10 has been amended. Claims 1-25 remain in the application for prosecution on the merits. Favorable reconsideration of this application as amended is requested.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph:

Claim 10 stands rejected under 35 U.S. C. § 112, second paragraph, as being indefinite. Applicant has amended claim 10 in accordance with a telephone discussion between the examiner and applicant's attorney in July. Claim 10 is now believed to be acceptable to the examiner, and applicant requests that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a):

Claims 1, 4-5, 8-12, 14, 17-18 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harte et al. (6,640,889).

Applicant submits that these claims are not obvious and are thus patentable over the cited reference (Harte et al.). However, no further discussion is needed relative to this cited reference since it is not prior art for a 102(e) type of 103(a) obviousness rejection. This is a 102(e) type of 103(a) rejection because the present application was filed on August 19, 2003 and the Harte et al. patent did not issue/publish until November 4, 2003. Further, the Harte et al. patent is assigned to Visteon Global Technologies, Inc., as can be seen on the face of the patent and as recorded at the Office on March 4, 2002, reel 012680, frame 0435. The present application is also assigned to Visteon Global Technologies, Inc., as can be seen on the attached Recordation Form Cover Sheet and Assignment form, both of which have been submitted to the Office for recordation. Under 35 U.S.C. § 103(c),

[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Thus, the Harte et al. patent cannot be used as prior art against the present patent application. Accordingly, applicant respectfully requests that these rejections be withdrawn.

Claims 1, 4-5, 8-12, 14, 17-18, and 20-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harte et al. in view of Cho et al. (2002/0066278).

Since Harte et al. is again the main reference in this section 103(a) rejection and cannot be cited as prior art (as discussed above), it cannot be combined with Cho et al. to show obviousness. Cho et al. by itself clearly does not render any claims of the present invention obvious. Consequently, applicant respectfully requests that all of these rejections be withdrawn.

Claims 2 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harte et al. in view of Cho et al. as applied to claims 1 and 14, and further in view of Likitcheva (5,996,362).

As discussed above, the main reference Harte et al. is not prior art, so cannot be combined with these references to show obviousness. Consequently, applicant respectfully requests that all of these rejections be withdrawn.

Claims 3, 6-7, 13, 15, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harte et al. in view of Cho et al. as applied to claims 1 and 14, and further in view of Yoshihisa et al. (4,779,425).


As discussed above, the main reference Harte et al. is not prior art, so cannot be combined with these references to show obviousness. Consequently, applicant respectfully requests that all of these rejections be withdrawn.

Conclusion:

In summary, the Applicant believes that each formal and substantive requirement has now been met. Applicant respectfully requests the examiner withdraw all of the rejections. The case is now believed to be in appropriate form for allowance, which action is respectfully requested. If a telephone conference would advance the prosecution of this application or resolve any further questions, such a call is invited to Applicant's attorney, whose direct line is (734) 542-0017.

Respectfully submitted,

Date: September 30, 2004

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